**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)  
86167-4C

In re Application of: Claudio BERTONE

Application No.: 10/671,615

Filed: September 29, 2003

For: MULTI-FLAVOURED HOT BEVERAGE DISPENSER

The owner\*, BERTONE HOLDINGS INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,419,120. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

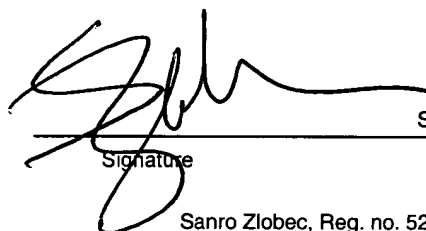
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.



September 16, 2004

Signature

Date

Sanro Zlobec, Reg. no. 52,535

Typed or printed name

(514) 954-1500

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

09/20/2004 FMETEKI1 00000063 10671615

03 FC:2814

55.00 DP

86167-4c

**ASSIGNMENT**

WHEREAS, I, Claudio BERTONE, citizen of CANADA, residing at, respectively, 7510 Lisleux, St-Leonard, Quebec, H1S 2G8, CANADA, (hereinafter referred to as the "Assignors") have made certain inventions and discoveries as described in an application for Letters Patent entitled "MULTI-FLAVOURED HOT BEVERAGE DISPENSER" and filed on September 29, 2003 in the United States and having serial number 10/671,615 (hereinafter referred to as the "Application");

AND WHEREAS, BERTONE HOLDINGS INC., whose full post office address is 5800 Thimens Boulevard, St-Laurent, Quebec, H4S 1S5, CANADA, (hereinafter referred to as the "Assignee") is desirous of acquiring the entire right, title, and interest in and to said inventions and discoveries, and in and to the Application inclusive of any and all priority rights derived therefrom, for any and all countries in the world, and in and to any and all Letters Patent issuing in any and all countries in the world, to be granted for said inventions and discoveries based on said Application or on patent applications filed in any country claiming priority from said Application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we the Assignors, do hereby sell, assign, transfer, and set over unto the Assignee, its successors and assigns, our entire right, title, and interest in and to the inventions and discoveries disclosed in the Application, and in and to the Application and any continuations or divisions thereof and all priority rights derived therefrom, and in and to any and all patent applications and any continuations or divisions thereof filed in any country claiming priority from the Application, and in and to all Letters Patent which may be granted upon the Application or upon patent applications filed in any and all countries in the world including the United States of America, claiming priority from the Application, and in and to any and all reissues, substitutions, or prolongations thereof; the same to be held and enjoyed by the Assignee for its own use and behoof, and for the use and behoof of its successors and assigns, to the full end of the term or terms for which said Letters Patent, or reissues, substitutions, or prolongations thereof may be granted, as fully and entirely as the same would have been held and enjoyed by us had this assignment and sale not been made;

AND we hereby agree that, upon request, and without further consideration, but at the expense of the Assignee, we will communicate to the Assignee or its representatives or nominees any facts known to us respecting said inventions and discoveries and testify in any legal proceedings, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths and generally aid the Assignee, its successors, assigns, and nominees to obtain and enforce proper patent protect for said inventions and discoveries in all countries, and we further agree to execute any and all further papers which may be necessary or desirable to vest or perfect the title of the Assignee, its successors and assigns, in and to said inventions and discoveries,

and in and to any and all Letters Patent or reissues thereof which may be granted upon applications in any and all countries in the world.

AND we hereby authorize and request any official whose duty it is to issue patents to issue each and every Letters Patent to be granted upon the aforesaid applications in any and all countries, and each and every reissue of said Letters Patent, to the Assignee, its successors and assigns, as the assignee of our entire right, title and interest therein, in accordance with this assignment.

Tel que convenu par le cessionnaire et le cédant, cette cession a été rédigée en anglais.  
As agreed by both the assignee and the assignor, this assignment has been drawn up in English.

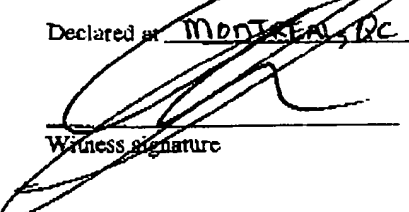
SIGNED this 14 day of SEPTEMBER 2004.

  
Claudio BERTONE

#### DECLARATION OF WITNESS

I, MICHAEL D. BERTONE, whose full postal address is 5929 ANDRE ST.  
PIERREFONDS, QC H3Z 2V9, do hereby declare that I was personally present and did see Claudio BERTONE, who is personally known to me to be the person named in the Assignment, sign and execute same.

Declared at MONTREAL, QC, this 14 day of SEPTEMBER 2004.

  
Witness signature

BEST AVAILABLE COPY